

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CATHERINE MCKOY, MARKUS FRAZIER, and LYNN
CHADWICK, individually and on behalf of all other
similarly situated,

Plaintiffs,

-v-

THE TRUMP CORPORATION and DONALD J. TRUMP,
in his personal capacity,

Defendants.

CIVIL ACTION NO.: 18 Civ. 9936 (LGS) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On February 10, 2023, Plaintiffs requested permission to file under seal portions of their letter-motion (ECF No. 511) to preclude Defendants' experts pursuant to Federal Rule of Civil Procedure 37(c), on the basis that the relevant portions contained information that was designated confidential under the parties' protective order. (ECF No. 509 (the "Request")). Plaintiffs stated that Defendants were the designating party, and that Plaintiffs took no position on sealing. (*Id.* at 2). To date, Defendants have not provided a basis for the sealing or otherwise responded to the Request. Accordingly, the Request is DENIED. (*See* ECF No. 508 (denying sealing request where no party rebutted the presumption of public access to documents filed on the docket). *See also* Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 119–20 (2d Cir. 2006) (describing public right of access at common law and under the First Amendment); Bernsten v. O'Reilly, 307 F. Supp. 3d 161, 168–69 (S.D.N.Y. 2018) ("Courts in this District have long held that bargained-for confidentiality does not overcome the presumption of access to judicial documents.") (collecting cases).

The Clerk of Court is respectfully directed to unseal the document at ECF No. 511, and to close ECF No. 509.

Dated: New York, New York
July 19, 2023

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge